



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



470361

AUG 26 2010

REPLY TO THE ATTENTION OF:

SE-5J

**RE: Sandoval Zinc Site , Site ID # B5A8
General Notice of Potential Liability**

Dear Madam or Sir:

The United States Environmental Protection Agency (EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced Site, and is planning to spend public funds to conduct a removal action to remediate these releases and further to conduct an investigation as to the extent of contamination at the Site and the surrounding area. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless EPA determines that such action(s) will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning, and enforcement costs.

EPA is currently planning to conduct a removal action at 16 homes near the above-referenced Site. This removal will include:

1. Prepare a Time Critical Removal Action Work Plan and implement the Removal Action in accordance with the Work Plan to mitigate the threats posed by presence of contamination;
2. Develop and implement a Site Health and Safety Plan, including an air monitoring plan and Site contingency plan;

3. Develop and implement a Site security plan and public relations plan;
4. Develop and implement a fugitive dust control plan for the time period prior to and during characterization and removal phases. The plan will include temporary stabilization of bare soil areas and removal of soil and sediments from residential sidewalks, roads, and storm drains;
5. Develop a storm water runoff control plan. This plan is to be implemented at residential and all other locations where excavation is occurring;
6. For the 16 homes, remove and off-site disposal of (in accordance with U.S. EPA's Off-Site Rule (40 CFR ' 300.440)) soil contaminated with lead at greater than 400 parts per million (ppm) up to two feet from the residential locations
7. Confirmation sampling and chemical analysis shall take place as the removal action progresses. Samples results must demonstrate that any given property meets the clean-up criteria. A record of sample locations (preferably using GPS) and results must be maintained and made available to the U.S. EPA for review; and
8. Backfill excavated areas with clean fill and vegetate to pre-removal conditions;

EPA also believes the following response activities are necessary at the Site and the area surrounding the Site: 1) a remedial investigation ("RI") to determine the nature and extent of the contamination at the Site; and 2) a feasibility study to determine and evaluate alternatives for remedial action at the Site ("FS").

EPA does not seek at this time and this letter does not seek to start a 60 day period of formal negotiations to conduct the RI and FS at the Site. EPA is providing this letter as notice of a pending removal action and general notice of additional actions that are planned at the Site.

EPA has received information that your organization may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance removal and/or remedial activities and reimburse EPA for its costs. If a consent order cannot be concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If your company is a qualified small business, enclosed is an U.S. EPA Small Business Regulatory

Enforcement Fairness Act information sheet, which may be helpful if you are subject to an EPA enforcement action.

As a potentially responsible party, you should notify EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. Your response should be sent to:

Enforcement Specialist William Ryczek
U.S. EPA - Region 5
Enforcement Services Section #1
77 West Jackson Boulevard, SE-5J
Chicago, IL 60604-3590

If EPA does not receive a timely response, EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Peter Felitti of the EPA Office of Regional Counsel at (312) 886-5114.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,



Wendy Carney, Branch Chief
Remedial Response Branch 1

[Enclosure] [SBREFA information sheet]

Sandoval Zinc
LIST OF PRPs SENT GENERAL NOTICE LETTER

Hugh Caffey, Jr., President
 Advance Industries, Inc.
 1000 N. Broadway
 Blythville, AR 72315

James Wainscott, President
 AK Steel Corporation
 9227 Centre Pointe Dr.
 West Chester, OH 45069

Michael Mervis, President
 Circle Iron & Metal Division of
 Mervis Industries, Inc.
 3295 E. Main Street
 Danville, IL 61834

Daniel Langdon, President
 East Penn Mfg Company, Inc.
 Deka Road
 Lyon Station, PA 19536

Gordon A. Ulsh, President
 Exide Technologies
 13000 Deerfield Pkwy, Bldg. 200
 Alpharetta, GA 30004

David H. Dingus, President
 Hobson Galvanizing, Inc.
 2402 Engineer's Road
 Belle Chase, LA 70037

Tommy McBroom, President
 MCM Corporation of Oneida
 385 One Industrial Park Rd
 Oneida, TN 37841

Joseph Ferruzza, Manager
 Metalplate Galvanizing, L.P.
 1120 39th Street North
 Birmingham, AL 35234

Fred W. Fleak, President
 Muskogee Metal Fabricators, Inc.
 2130 East Shawnee
 Muskogee, OK 74403

Richard Adkerson, President
 Phelps Dodge Industries, Inc.
 1 North Central Ave.
 Phoenix, AZ 85004

Hyman Sall, President
 Atlantic Metals Corporation
 115 West Avenue, Suite 108
 Jenkintown, PA 19046

Martin Zeldes, President
 City Metals Refining Co., Inc.
 2205 Cameo Lake Dr.
 Bloomfield Hills, MI 48302

Richard Pruitt, President
 Galvan Mfg Co Inc.
 1702 Woodland Road
 New Albany, IN 47150

Reinhold Brand, President
 Evonik Goldschmidt Corporation
 914 E. Randolph Road
 Hopewell, VA 23860

David H. Kozin, President
 Imperial Zinc Corp.
 1031 East 103rd St.
 Chicago, IL 60628

Raymond De Hont, President
 Met-Pro Corporation
 160 Cassell Road
 Harleysville, PA 19438

Russ Robinson, President
 Midwest Zinc Corporation
 3380 Fite Road
 Millington, TN 38053

Katie Kirkland, President
 National Metals, Inc.
 817 Gray Street
 Leeds, AL 35094

George Obeldobel, President
 Big River Zinc Corporation
 2401 Mississippi Ave.
 Sauget, IL 62201

Ronald J. Evans, President
 North American Galvanizing Co.
 5314 S. Yale, Suite 1000
 Tulsa, OK 74135

Brian J. Noordewier, Member
 Corlin Company, L.L.C.
 1640 Marion Ave.
 Grand Haven, MI 49417

Glickman Metal Recycling LLC
 410 East 25th Street North
 Wichita, KS 67219

Melvin A. Lipsitz, Jr., President
 Market Street Recycling, Ltd.
 8700 Market Street Road
 Houston, TX 77029

Barry Hamilton, President
 InterAmerican Zinc, Inc.
 245 N. Fillmore Rd.
 Coldwater, MI 49036

Manfred Stanek, President
 Metalchem, Inc.
 25825 Science Park Dr., Suite 400
 Beachwood, OH 44122

Ira Moskowitz, President
 Moskowitz Bros., Inc.
 5300 Vine St.
 Cincinnati, OH 45217

Mario Longhi, President
 Gerdau Ameristeel Corporation
 4221 W. Boy Scout Blvd., Suite 600
 Tampa, FL 33607

James Hensler, President
Horsehead Corporation
4955 Steubenville Pike, Suite 405
Pittsburgh, PA 15205

Glenn Poynter, President
Nyrstar Clarksville, Inc.
1800 Zinc Plant Rd.
Clarksville, TN 37040

Duane Powell, CEO
Powell Fabrication & Mfg, Inc.
730 E. Monroe Rd.
St. Louis, MO 48880

Michael Eisner, President
Reliable Galvanizing Company
819 W. 88th Street
Chicago, IL 60620

Michael Rippey, President
Mittal Steel North America Inc.
1 S. Dearborn
Chicago, IL 60603

Alfred Barbour, President
Concast Metal Products C
131 Myoma Road
Mars, PA 16046

Ronald J. Evans, President
North American Galvanizing Co.
5314 S. Yale, Suite 1000
Tulsa, OK 74135

Alex Gross, Owner
Whiting Metals LLC
2230 Indianapolis Blvd.
Hammond, IN 46325

Louis Bradley Wolkoff, Pr
SW Industries, Inc.
2024 Bluff Road
Indianapolis, IN 46225

Gregory Pratt, Interim President
Carpenter Technology Corporation
2 Meridian Boulevard
Wyomissing, PA 19610

Mogens Bay, President
Valmont Industries, Inc.
1 Valmont Plaza, Suite 500
Omaha, NE 68154

Gregory Jones, President
Westmin Corporation
510 Maine Street
Quincy, IL 62301

David H. Cheek, President
Keystone Consolidated Industries, Inc.
5430 LBJ Freeway, 3 Lincoln Center
Dallas, TX 75240

C. Scott Farmer
723 East 3rd
Metropolis, IL 62960



United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-07-003 October 2007

Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners

Office of Enforcement and Compliance Assurance: <http://www.epa.gov/compliance>



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U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers

(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions.

EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

bcc: [Attorney], ORC (C-14J)
[OSC], OSC (SE-5J) (SE-GI) (ME-W) (B-2)
John Maritote (SE-5J)
[Enforcement Specialist], ESS #1 (SE-5J)
Mike Harris, ECAB (SE-5J)
Richard Hackley, PAAS (MF-10J)
Records Center (SMR-7J)
Michael T. Chezick (Regional Environmental Officer, Office of Environmental Policy and Compliance,
Philadelphia Region, Custom House, Room 244, 200 Chestnut Street, Philadelphia, PA 19106)

[If there are Federal PRPs, also copy

**Letitia Grishaw, DOJ (Chief, Environment & Natural Resources Division, Environmental
Defense Section, U.S. Department of Justice, 601 D Street, NW, Suite 8000, Washington, D.C.
20004)]**